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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/709,781 | 11/03/2000 | Richard James Humpleman | SAM1.0014A | 4957 |

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EXAMINER

BASHORE, WILLIAM L

ART UNIT

PAPER NUMBER

2176

DATE MAILED: 08/27/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/709,781

Applicant(s)

HUMPLEMAN ET AL.

Examiner

William L. Bashore

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 June 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2,6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to communications: original application and pre-amendment A (paper 3), both filed 11/30/2000, said application is a division of United States Application Serial No. 09/104,297 filed 6/24/1998 (pending), with acknowledged provisional application filing dates of 9/22/1997, and **6/25/1997**.
2. IDS filed 11/30/2000 (paper 2), and 6/11/2002 (paper 6).
3. Claims 3-12 are pending. Claim 9 is an independent claim. Applicant's pre-amendment cancels claims 1-2, amends claims 3-8, and adds claims 9-12.

Examiner's Notes

4. It is to be noted that Applicant's pre-amendment A (paper 3), page 2, amends claims 7 and 8 by deleting its dependence on claim 1. However, claims 7 and 8, as originally claimed, claims dependency from claims 5 and 6 respectively, not from claim 1. Since it is clear that claims 5 and 6 provide the only antecedent basis for claims 7 and 8 (i.e. "*manufacturer device button*", and "*URL*"), and in the interests of compact prosecution, pre-amendment A has been entered, except for the specific amendment of claims 7 and 8, which will instead be examined as originally claimed.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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6. **Claims 9, 3-8, 10-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

In regard to claims 9, 3-8, 10-12, independent claim 9 recites the phrase “*the local network*”.
There is insufficient antecedent basis for this limitation in the claim. The Examiner’s suggestion of changing said phrase to “*a local network*” will overcome this rejection.

Dependent claims 3-8, 10-12 are rejected for fully incorporating the deficiencies of their respective base claims (see above).

In regard to dependent claim 3, dependent claim 3 recites the phrase “*the device link file*”.
There is insufficient antecedent basis for this limitation in the claim. The Examiner’s suggestion of changing said phrase to “*a device link file*” will overcome this rejection

In regard to dependent claims 10-12, claims 10-12 are vague, indefinite, and lack requisite scope, because said claims claim dependency on a canceled claim (claim 1). The Examiner’s suggestion of changing dependency in each of said claims to be dependent upon independent claim 9 will overcome this rejection.

Examiner's Notes

7. It is to be noted that the following sets of rejections are based upon a possible interpretation of “*the local network*” as “*a local network*”, “*the device link file*” as “*a device link file*”, and each of claims 10-12 as dependent upon claim 9.

Double Patenting

8. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the “right to exclude” granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

9. Pending claims 9, 3-8, 10-12 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 5, 8 of Humpleman et al. U.S.

Patent No. 6,198,479 (hereinafter Humpleman '479). Although the conflicting claims are not identical, they are not patentably distinct from each other because of the following:

In regard to pending independent claim 9, claim 5 of Humpleman '479 teaches:

- an interface for accessing home devices in a home network, as well as device buttons on a GUI browser incorporating an HTML interface page describing said devices, said buttons reflective of device links (see claim 5 of Humpleman '479; compare with pending claim 9 "*A method for providing....comprising the steps of*", "*creating a device link page....at least a device button*", "*associating a hyper-text link with each device button....associated with the device button*", and "*displaying the device link page on a display device.*").

- claim 5 of Humpleman '479 does not specifically teach said device buttons as currently connected to a network. However, this limitation would have been obvious to one of ordinary skill in the art at the time of the invention, in view of Humpleman '479, because claim 1 of Humpleman '479 teaches selection of home devices wherein said home devices are connected to a home network, suggesting current connections to a network (see claim 1 of Humpleman '479; compare with pending claim 9 "*a device link button that is currently connected to the network*"), providing the advantage of current connections for monitoring devices in real time.

In regard to pending dependent claim 3, claim 5 of Humpleman '479 teaches device names, and device buttons indicative of various devices (see claim 5 of Humpleman '479; compare with pending claim 3).

In regard to pending dependent claims 4-5, 7, Humpleman '479 does not specifically teach logos and associated icons. However, these limitations would have been obvious to one of ordinary skill in the art at the time of the invention, in view of Humpleman '479, because claim 5 of Humpleman '479

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teaches device buttons associated with a home device, suggesting icons/logos associated with said devices, providing the advantage of brand advertising (see claim 5 of Humpleman '479; compare with pending claims 4-5, 7).

In regard to pending dependent claims 6, 8, Humpleman '479 does not specifically teach a URL. However, this limitation would have been obvious to one of ordinary skill in the art at the time of the invention, in view of Humpleman '479, because claim 5 of Humpleman '479 teaches a browser based network GUI with buttons associated with devices, suggesting a URL based TCP/IP network (see claim 5 of Humpleman '479; compare with pending claims 6, 8), providing the advantage of a familiar network system.

In regard to pending dependent claims 10-12, claim 5 of Humpleman '479 teaches a home network, HTML pages, and a browser based display (see claim 5 of Humpleman '479; compare with pending claims 10-12).

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 9, 3-4, 6, 8, 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Corcoran, P.M. and Desbonnet, J., Browser-style interfaces to a home automation network (hereinafter Corcoran), Consumer Electronics - IEEE, June 11-13, 1997, pp.1063-1069, in view of Venkatraman et al (hereinafter Venkatraman), U.S. Patent No. 5,956,487 issued September 1999.

In regard to independent claim 9, Corcoran teaches a browser displaying a current list of network devices registered in a local database (Corcoran p.1065 section 3.3, Figure 3; compare with claim 9 *“A method for providing....the method comprising the steps of:”*).

Corcoran also teaches a Network Browser displaying a page of four graphical buttons representing four devices from a list of network devices (Corcoran p.1065 Figure 3; compare with claim 9 *“creating a device link page”* and *“wherein the device link page contains a device button that is currently connected to the network”*).

Corcoran does not specifically teach a list of network devices contained within a local network. However, Venkatraman teaches a self contained home network comprising inter-communication links and a web browser enabling communication with a set of devices (Venkatraman column 5 lines 29-40, 46-51, Figure 2; compare with claim 9 *“...from at least the local network...”*). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Venkatraman to Corcoran, providing a user of Corcoran the benefit of controlling a self-contained home network.

Corcoran also teaches a method whereby a Network Browser displayed onto a screen displays four graphical buttons representing four devices from said list, and as each device is accessed, a user interface is loaded as a HiPlet from an HTTP-style URL (Corcoran p.1065 section 3.3; compare with claim 9 *“associating a hyper-text link with each device button....that is associated with the device button”*). Corcoran does not specifically teach a method of using a hypertext link (from said button), providing a link to an HTML page. However, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Corcoran to incorporate this limitation, because Corcoran suggests the use of HTML by disclosing the use of HTTP, URL's, and the name “Network Browser”, which are examples of objects and methods that are commonly used in conjunction with HTML and hypertext linking, therefore providing Corcoran the benefit of hyperlinks for point and click access.

Corcoran teaches the display of device information on a network browser (Corcoran p.1065 Figure 3; compare with claim 9 *“displaying the device link page on a display device.”*).

In regard to dependent claim 3, Corcoran teaches the display of a list (file) of network devices that are registered in a local database, said devices are shown and mapped to corresponding device buttons (see Corcoran p.1065 section 3.3, Figure 3; compare with claim 3).

In regard to dependent claim 4, Corcoran teaches the implementation of a light-switch GUI, whereby an icon (graphical image) of an LED representing the state of activation of a light bulb is created as part of a button, and is stored as part of the GUI interface (see Corcoran p.1067 Figure 5a; compare with claim 4).

In regard to dependent claim 6, Corcoran teaches a method whereby a Network Browser displayed onto a screen displays four graphical buttons representing four devices from a list of home devices, and as each device is accessed, a user interface is loaded as a HiPlet from an HTTP-style URL (see Corcoran p.1065 section 3.3, Figure 3). Corcoran does not specifically teach a method of receiving a URL from a home device. However, Venkatraman teaches a method whereby a home based network enables a web browser to access user interface functions via URL's, said URL's can be embedded within an appliance (see Venkatraman column 5 lines 29-42, column 8 lines 1-8; compare with claim 6). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply the separate URL method of Venkatraman to the list and button GUI of Corcoran, because of Venkatraman's taught advantage of itemized information gathering, providing Corcoran the benefit of URLs for transmission via the Internet.

In regard to dependent claim 8, Corcoran teaches a method whereby a Network Browser displayed onto a screen displays four graphical buttons representing four devices from a list of home devices, and as each device is accessed, a user interface is loaded as a HiPlet from an HTTP-style URL

(see Corcoran p.1065 section 3.3, Figure 3). Corcoran does not specifically teach a method of receiving a URL from a properties file located on a home device. However, Venkatraman teaches a method whereby web server queries a device, and in response, the targeted device transfers an HTML file that defines its device web page (see Venkatraman column 7 lines 37-46; compare with claim 8). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply the remote file method of Venkatraman to the list and button GUI of Corcoran, because of Venkatraman's taught advantage of itemized information gathering, providing increased space efficiency to the method as taught by Corcoran.

In regard to dependent claim 10, Corcoran teaches a home automation network (Corcoran Abstract; compare with claim 10).

In regard to dependent claims 11-12, the limitations of a Web/HTML page on a browser display would have been obvious to one of ordinary skill in the art at the time of the invention, in view of Corcoran, because Corcoran teaches a graphical interface similar to a Web browser, suggesting an Internet Web browser utilizing HTML Web pages, and providing the benefit of a familiar method of presentation (Corcoran p. 1064 column 1, at bottom; compare with claims 11-12).

12. Claims 5, 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Corcoran and Venkatraman as applied to claim 9 above, and further in view of Reber et al. (hereinafter Reber), U.S. Patent No. 5,398,726 issued August 1999.

In regard to dependent claim 5, Corcoran teaches a method whereby a Network Browser displayed onto a screen displays four graphical buttons representing four devices from a list of home devices, and as each device is accessed, a user interface is loaded as a HiPlet from an HTTP-style URL

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(see Corcoran p.1065 section 3.3, Figure 3). Corcoran does not specifically teach a method of receiving a device logo from a home device. However, Reber teaches a method of displaying a graphical logo relating to a device onto a browser screen (Reber Figure 3; compare with claim 5). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply the logo method of Reber to the list and button GUI of Corcoran, because of Reber's taught advantage of graphical logos, providing increased device recognizability to the method as taught by Corcoran.

In regard to dependent claim 7, Corcoran teaches the importance of manufacturers flexibility to change and adapt the user interface (Corcoran p.1063 section 2.2 paragraph 2; compare with claim 7).

13. **Prior art made of record and not relied upon is considered pertinent to disclosure.**

| | | | |
|------------------|---------------------------|--------|---------|
| Kikinis | U.S. Patent No. 6,167,120 | issued | 12-2000 |
| Humpleman et al. | U.S. Patent No. 6,288,716 | issued | 09-2001 |
| Hanson | U.S. Patent No. 6,148,346 | issued | 11-2000 |

Home Vision - Version 2.4 - Custom Solutions Inc., HTINews Review, August 1997, downloaded from URL
<<http://www.hometoys.com/htinews/aug97/reviews/homevis/homevis1.htm>>, downloaded July 23, 2002, pp.1-5.

Home Vision by Custom Solutions Inc., Home Control Software Review - HTINews, October 1996, downloaded from URL
<<http://www.hometoys.com/htinews/oct96/reviews/revw0101.htm>>, downloaded July 23, 2002, pp.1-3.

Chase Victor D., Building the Internet into appliances, Appliance Manufacturer, Chicago, January 1997, Volume 45, Issue 1, pp. 6-7.

Conclusion

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William Bashore whose telephone number is (703) 308-5807. The examiner can normally be reached on Monday through Friday from 11:30 AM to 8:00 PM EST.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon, can be reached on (703) 308-5186.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

15. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 746-7239 (for formal communications intended for entry)

or:

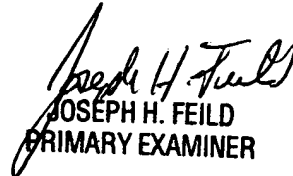
(703) 746-7240 (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

or:

(703) 746-7238 (for after-final communications)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,
Arlington, VA, Fourth Floor (Receptionist).

William L. Bashore
08/20/2002


JOSEPH H. FEILD
PRIMARY EXAMINER